

United States District Court

WESTERN DISTRICT OF NEW YORK

SECOND AMENDED

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 99-CV-745

Preservation Coalition of Erie County

v.

Federal Transit Administration, et al

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Plaintiff is entitled to recover attorneys' fees and costs as a prevailing party under the National Historic Preservation Act against the Federal Transit Administration in the following amounts: \$81,479.23 in attorneys' fees for the work of Richard G. Berger, Esq. and Francis C. Amendola, Esq.; \$14,254.20 in expert witness fees for the work of Robert Melnick, Ph.D. and Daniel Rogers; and \$683.42 for other costs.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's motion for attorneys fees is denied to the extent that it seeks reconsideration of this Court's order dated June 2, 2005 and granted to the extent that it seeks attorneys fees for appellate work under 16 U.S.C. section 470w-4. Further, that the recalculated award of attorneys' fees and costs of \$96,416.85 for the underlying litigation, as set forth in this Court's June 2, 2005 Order and the related Amended Judgment remains unchanged. Further, that Plaintiff is entitled to recover additional attorneys' fees and costs as against the Federal Transit Administration for its appellate work and related fee application in the amount of \$43,352.00.

Date: June 14, 2005

RODNEY C. EARLY, CLERK

By: s/Deborah M. Zeeb
Deputy Clerk

